



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

Board Members

Andrew Kunasek, District 3, Chairman
Max Wilson, District 4, Vice Chairman
Fulton Brock, District 1
Don Stapley, District 2
Mary Rose Wilcox, District 5

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Supervisors' Auditorium
205 W. Jefferson
Phoenix, AZ 85003

FORMAL MEETING MINUTES

BOARD OF SUPERVISORS Maricopa County, Arizona

(and the Boards of Directors of the Flood Control District, Library District,
Stadium District, Improvement Districts and/or Board of Deposit)

**Wednesday, September 03, 2008
9:00 AM**

1. INVOCATION

Supervisor Wilcox, District 4, delivered the invocation.

2. PLEDGE OF ALLEGIANCE

Terri Leija, District 4, led the assemblage in the Pledge of Allegiance..

3. ROLL CALL

The Board of Supervisors of Maricopa County Arizona convened in Formal Session at 9:00 AM on Wednesday, September 03, 2008, in the Supervisors Auditorium, 205 West Jefferson, Phoenix, AZ, with the following members present: Andrew Kunasek, Chairman, District 3; Fulton Brock, District 1; Mary Rose Wilcox, District 5. Absent: Don Stapley, District 2; Max Wilson, District 4. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager and Victoria Mangiapane, Deputy County Attorney.

BOARD OF SUPERVISORS

4. Pet Showcase by Maricopa County Animal Care and Control.

Aprille Hollis introduced, Scout, a black Chihuahua mix, one-year old dog who loves to run and snuggle and is very happy and friendly. Scout is available to take home today, from the 27th Avenue and Durango facility. For more information call 602-506-PETS.

PRESENTATION/ACTION

5. NATIONAL PREPAREDNESS MONTH

Presentation regarding the National Preparedness Month. At the conclusion of the presentation, approve Resolution to designate the month of September 2008 as National Preparedness Month. (C-15-09-005-P-00)

Warren Leek, Director, Emergency Management

Warren Leek, Emergency Management Director, said that thousands of agencies across the country will name September as National Preparedness Month. He mentioned hurricanes Katrina and Gustave and also the storm that left 100,000 Valley residents without power for a portion of last Thursday. He said these and other similar experiences have made two things very clear, 1) The difficulties accompanying all aspects of recovery, and, 2) that nothing replaces personal preparedness. He said that the last 12 months have been among the busiest in Maricopa County history in preparedness training. for local and regional personnel. The largest flood control training ever held in the County occurred in May, flooding being the most likely of all hazards to occur here. Inoculations for thousands of school children and checkups on generators for several care facilities have also been held. He advised that a Countywide survey last year shows that 40% of County residents have done nothing to prepare for an emergency and 67% have done nothing to prepare for an evacuation. He hopes that this proclamation will encourage people to prepare for a disaster by making a household plan, preparing an emergency supply kit and making a "go bag" suitable for yourself and/or your family.

Supervisor Wilcox said she is in full support of emphasizing the importance of preparedness through this proclamation, especially after the reminders provided by the recent local and national storms.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

STATUTORY HEARINGS

Clerk of the Board

6. LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

a. MORRIS ANIMAL FOUNDATION SPECIAL EVENT LIQUOR LICENSE APPLICATION

Approve a Special Event Liquor License Application for Amanda M. Finneran; Morris Animal Foundation, located at 30307 N. 144th Street, Scottsdale, AZ 85262, on November 15, 2008, 6:00 to 11:00 p.m. SELL #844. (C-06-09-008-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Wilcox
Nays: Brock
Absent: Stapley, Wilson

b. KNIGHTS OF COLUMBUS #12144 LIQUOR LICENSE APPLICATION

Approve a Special Event Liquor License application filed by Richard F. McManus; Knights of Columbus #12144, located at 9728 Palmeras, Sun City, AZ 85323 for October 25, 1008 from 6:30 p.m. to 12:00 midnight. SELL #845. (C-06-09-047-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Wilcox
Nays: Brock
Absent: Stapley, Wilson

c. KNIGHTS OF COLUMBUS #11809 SPECIAL EVENT LIQUOR LICENSE APPLICATION

Approve a Special Event Liquor License application filed by Michael F. Chabak; Knights of Columbus, Council #11809, at 14818 W. Deer Valley Drive, Sun City West, AZ 85375, on September 23, 2008, from 5:00 p.m. to 10:00 p.m. (SELL #848) (F23249) (C-06-09-069-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Wilcox
Nays: Brock
Absent: Stapley, Wilson

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Clerk of the Court

7. DOCKET FEE EFFECTIVE DATE

Approve the date of September 26, 2008, as the effective date of the new Docket Fee as approved by the Board of Supervisors at the public hearing held on June 4, 2008 (Agenda C-16-08-004-8-00). This new \$5.00 Docket Fee will be assessed upon the filing of initial complaints, and answers or responses, in all civil, family, probate, and tax cases.

The Docket Fee proceeds will be collected and deposited by the Clerk of the Superior Court (160) in the General Fund (100) with the Maricopa County Treasurer for disbursement by the Clerk of the Superior Court to defray the costs of personnel and related operating costs of the docketing function in non-criminal cases. (C-16-08-004-8-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

County Attorney

8. ADMINISTRATIVE CORRECTION

Approve an Administrative Correction to the action taken on August 20, 2008 (C1909019M00) that authorized the settlement of claim submitted by Pacific Proving, LLC against Maricopa County, as discussed in Executive Session on August 18, 2008. This correction clarifies the settlement agreement is in the amount of \$592,930.25. Further, this action also authorizes the Chairman of the Board to sign all necessary documents related to this item. This matter was initially discussed in Executive Session on August 18, 2008 under item E-19-09-025-6-00. (C-19-09-019-M-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

9. AUTHORIZE APPEAL TO TAX COURT IN GATEWAY AIRPARK DEVELOPMENT, L.L.C. V. MARICOPA COUNTY, SBOE CASE NO. 00385-07-08.

Authorize the County Attorney to file a complaint in the Tax Court to appeal the State Board of Equalization's decision in SBOE Case No. 00385-07-07, Gateway Airpark Development, L.L.C. v. Maricopa County. (C-19-09-021-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

Sheriff

10. AMENDMENT TO THE REIMBURSEMENT AGREEMENT WITH THE DRUG ENFORCEMENT ADMINISTRATION

Approve Amendment No. 1 to the Reimbursement Agreement between the Maricopa County Sheriff's Office and the Drug Enforcement Administration, increasing the Agreement amount by \$22,964; from \$67,000 to \$89,964. Also extend the end date of this agreement through September 30, 2008. The original term of this agreement is July 1, 2007 through August 31, 2008. The Sheriff's indirect cost rate for FY 2007-08 is 11.7%. The unrecoverable indirect costs are estimated to be \$2,686.79.

Approval of Amendment No. 1 of this Reimbursement Agreement between the Sheriff's Office and the Drug Enforcement Administration will allow the Sheriff's Office to continue to act as the pass through agency for grant funds for the Arizona Methamphetamine Task Force (C-50-05-558-3-00), approved on July 6, 2005. The funding provides reimbursement of salaries and employee related expenses of one Supervisory Records Examiner/Analyst. The Drug Enforcement Administration has participated in the Arizona Methamphetamine Program for approximately eight years. (C-50-08-524-2-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

11. ONE-TIME ADDITION TO FLEET OF A 2007 FWT CUSTOM TRAILER

Approve a one-time addition to the fleet of a 2007 FWT Custom Trailer. The Sheriff's Office was awarded funding from the 2007 Arizona Department of Homeland Security Award number 333212-01 that was approved by the Board of Supervisors on December 19, 2007 (C-50-08-539-3-00). There is a one-year warranty after which the General Fund (100) will fund operating costs, estimated to be \$1,000 annually. This is a temporary addition to the fleet and will be removed at the end of its useful life with no funding from the General Fund for replacement.

Approval to accept this one-time addition to fleet will provide the Sheriff's Office a mobile repeater that can be deployed to an area with any mobile command vehicle to create a stand alone communication system with a fairly large area of coverage. This will enhance the ability of the Threat Assessment Team in responding to terrorist activities and strengthen the overall capability of the Sheriff's Office to help the national effort to combat terrorism. (C-50-08-539-3-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

12. ANNUAL EQUITABLE SHARING AGREEMENT AND CERTIFICATION

Approve the Equitable Sharing Agreement and Certification between the Maricopa County Sheriff's Office (agency) and the US Department of Justice and the US Department of the Treasury. This is a long-standing agreement for which the Board has approved regular renewals. The current agreement expires September 30, 2008, and the annual certification report was submitted to the Board for approval at the August 20, 2008 meeting (C-50-07-003-2-02). The term of this agreement is through September 30, 2009.

This agreement authorizes the Sheriff's Office to share in proceeds of cash and property gained through its efforts in arrests covered under the Racketeering Influenced and Corrupt Organizations ("RICO") forfeited funds. (C-50-09-015-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

13. DONATIONS

Accept six donations to the Maricopa Sheriff's Office totaling \$2,750 from the following individuals and organizations: Sun City Grand Pet Club \$500 (June); Helen Testa \$1,000; James Gunderson \$500; Robert Marus \$250; John Trempala \$250; and Best Materials LLC \$250. (C-50-09-014-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock
Nays: Wilcox
Absent: Stapley, Wilson

14. INCREASE IN GRANT FUNDS TO PURCHASE MOBILE RADIOS FOR METHAMPHETAMINE TASK FORCE

Approve acceptance of an increase of \$123,000 in grant funds from the Arizona Criminal Justice Commission (ACJC) for the High Intensity Drug Trafficking Area (HIDTA) Initiative XVI, Maricopa County Methamphetamine Task Force (MCMTF). This funding is to purchase mobile radios and accessories so that Task Force members can operate on the same frequency. The grant period is October 1, 2005 through September 30, 2009. Also approve an increase to the Sheriff's Office grant fund (251) revenue and expenditure appropriations for FY 2008-09 not-to-exceed \$123,000. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105.

This increase will bring the total awards from \$345,261.82 to \$468,261.82. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The grantor does not allow for indirect costs recovery. The unrecoverable indirect costs are estimated at \$14,391. The Sheriff's Office has participated in HIDTA grants for approximately ten years. (C-50-07-500-M-02)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

15. AGREEMENT AND ACCEPTANCE OF GRANT FUNDS FROM THE AZ DEPARTMENT OF HOMELAND SECURITY

Approve Sub grantee Agreement 07-AZDOHS-LETPP-333212-05 between the Arizona Department of Homeland Security and the Maricopa County Sheriff's Office, and acceptance of \$219,000 in grant funding for the purpose of purchasing one-time additions to fleet of two Super Duty Crew Cab 4X4 Trucks and related specialty equipment for use as logistical support vehicles. The term of this Agreement is July 1, 2007 through July 31, 2009. Also approve an increase to the Sheriff's Office grant fund (251) revenue and expenditure appropriations for FY 2009 not-to-exceed \$219,000. These revenues are not "local

revenues” for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (ADM3104)

The Sheriff’s Office indirect cost rate for FY2009 is 12.2%. The total indirect costs are \$10,126 of which \$7,636 is unallowable and \$2,490 waived. There will be capital equipment purchases that are excluded from the indirect cost calculation. The indirect costs are not being sought so that all funding can be used to for the program. (C-50-09-004-G-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

16. MOBILE DATA COMPUTING

Create a new project in the Sheriff’s Office (500) General Fund (100) entitled “Mobile Data Computing.” Approve an increase in the FY 2008-09 Sheriff’s Office (500) Inmate Services Fund (252) Non-Recurring Non-Project (0001) appropriated expenditure budget of \$2,038,434, and direct payment of \$2,038,434 to the State Treasurer for partial fulfillment of the mandated contribution to the State of Arizona per Laws 2008 Chapter 285, Section 47, Subsection A. Per Laws 2008 Chapter 285, Section 47, Subsection C this contribution is excluded from the County constitutional expenditure limitation, and this budget adjustment therefore does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. Also approve an increase to the Sheriff’s Office (500) General Fund (100) Mobile Data Computing project (TBD) expenditure appropriation in the amount of \$2,038,434. This expenditure appropriation increase will be offset with a reduction in the Non-Departmental (470) General Fund (100) Non- Recurring (0001) Contingency (4711) line expenditure appropriation for a Countywide net impact of zero.

These actions will allow for full implementation of the Sheriff Mobile Data Computing (MDC) project which was funded as a pilot project in FY 2006-07. This project is expected to create significant efficiencies which will allow for the ongoing operating costs, estimated to be \$828,557 annually, to be absorbed within the Sheriff’s Office General Fund budget in FY 2009-10 and beyond. MCSO will work with OMB to develop additional performance metrics and reporting standards in order to document the results of this project. (C-50-09-018-2-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

Treasurer

17. TREASURER’S COLLECTIONS AND INVESTMENT SUMMARY FOR JUNE 2008

Pursuant to A.R.S. §11-501, receive the Treasurer’s Statement of Collections and Investment summary reports for June 2008, as on file in the Clerk of the Board’s office and retained in accordance with Arizona State Library Archives and Public Records (ASLAPR) approved retention schedule. (ADM4006) (C-43-09-001-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

18. TREASURER'S COLLECTIONS AND INVESTMENT SUMMARY FOR JULY 2008

Pursuant to A.R.S. §11-501, receive the Treasurer's Statement of Collections and Investment summary reports for July 2008, as on file in the Clerk of the Board's office and retained in accordance with Arizona State Library Archives and Public Records (ASLAPR) approved retention schedule. (ADM4006) (C-43-09-005-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

19. 2007-2008 ANNUAL COLLECTIONS & DELINQUENCY REPORT

Pursuant to A.R.S. §42-18002, accept the Annual Collections and Delinquency Report submitted by the County Treasurer for FY 2007-08. Report is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule. (C-43-09-006-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

TRIAL COURTS

Adult Probation

20. TRANSFER EXPENDITURE AUTHORITY TO FEES FUND FOR COMPLETION OF SAFETY BUILD OUTS AND CONTRACTS

Pursuant to A.R.S. §42-17106, transfer expenditure appropriation in the amount of \$734,000 from the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) Potential Expenditures from Fund Balance line to the Adult Probation (110) Adult Probation Fees Fund (201) Non-Recurring (0001). Also decrease the revenue appropriation in the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) Potential Expenditures from Fund Balance line by \$734,000. Approval of this action will support one-time expenditures to complete safety build outs, contract services, and vehicle upgrades.

The use of one time carryover funds that exist within Adult Probation Fund 201 is necessary for the following reasons. Adult Probation has two sites remaining that have not completed their BOS-approved safety build outs. After an inspection and evaluation, it was determined that one Adult Probation location needs a new fire alarm system. Also, contracts are needed to: secure an assessment tool that can be used with our transferred youth probationers to better determine level of supervision and treatment needs; evaluate the halfway houses within our community for compliance with standards as established by this department and; develop evidence-based hiring and retention practices. Lastly, upgrade nine vehicles from compact to intermediate. These vehicles are used in the surveillance and supervision of high risk probationers and the location of probation absconders. Our officers spend all of their work hours in these vehicles and many of these officers do not fit comfortably into a compact sized vehicle. We've experienced ergonomic issues and officer injuries due to the small sized vehicles. Also, the State standard recommends that nothing smaller than intermediate sized vehicles be used for these purposes. (C-11-09-001-2-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

COUNTY MANAGER

Crime Prevention - Meth Program

21. AZ METH PROJECT DONATION FROM SUNDT COMPANIES INC

Accept the donation of \$2,500 from The Sundt Companies, Inc. for the AZ METH PROJECT. This action will require an appropriation adjustment to General Fund (100) Non-departmental (470) Other Programs (4712) Non-recurring (0001) line item titled "Meth Project," increasing the FY2008-09 revenue and expenditure budgets by \$2,500.00. Donation revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C-42-09-004-D-00)

Supervisor Brock thanked the Sundt Companies for their donation of \$2,500 to the AZ Meth Project.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

22. ADMINISTRATIVE CORRECTION: DONATION TO AZ METH PROJECT

Approve an Administrative Correction to the action taken on August 6, 2008, (C-42-09-002-D-00) which approved the acceptance of the donation of \$5,000 from Walgreens Health Initiatives. This correction changes the accounting string from the General Fund (100) Appropriated Fund Balance (470) Other Programs (4712) line item titled "Meth Project" to the General Fund (100) Non-Departmental (470) Other Programs (4712) Non-recurring (0001) line item titled "Meth Project."

Maricopa County manages the AZ METH PROJECT on behalf of all partners. Therefore, donations are being accepted for ongoing operations, largely including media buys and community outreach to ensure the "Not Even Once®" message regarding Meth use reaches the target audience, teens ages 12-17 and young adults 18-24. (C-42-09-002-D-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

Legal Advocate

23. RETROACTIVE SALARY ADVANCEMENT - MITIGATION SPECIALIST & MITIGATION SPECIALIST - CAPITAL

Approve retroactive implementation of market salary increases for two Mitigation Specialists and three Mitigation Specialists-Capital in the Maricopa County Indigent Representation Offices of the Public Defender, Legal Defender, and Legal Advocate. The Market Range Titles, title descriptions, and salary ranges were updated by the Employee Compensation Division of the Office of Management and Budget as of June 18, 2008. The Board of Supervisors subsequently approved the market range updates at the July 23 Board meeting.

Five employees are currently eligible for market salary increases. This action authorizes these five market adjustments be processed retroactive to June 30, 2008.

The Public Defender's Office, Legal Defender's Office, and the Office of Legal Advocate are requesting approval to process market adjustments for the five eligible mitigation employees with the retroactive effective date of June 30, 2008. The cost for twenty days of associated retro pay is \$58.00. Approval of the Agenda Item will not result in appropriation adjustments. The departments will be absorbing the \$7,388 net annualized General Fund expenditure associated with this market study from within their FY 2008-2009 budgets. (C-55-09-001-9-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

DEPUTY COUNTY MANAGER

Office of Enterprise Technology

24. CARRYOVER FUNDING FOR UPS PROJECT

Pursuant to A.R.S. §42-17106(B), approve a transfer of expenditure authority from Non-Departmental (470) General Fund (100) Contingency (4711) Non-Recurring (0001) to Non-Departmental (470) General Fund (100) Technology Projects (4715) Non-Recurring (0001) line item "OET Backup Power Supply" in the amount of \$459,183. This action requires an expenditure appropriation adjustment decreasing the FY 2008-09 Non-Departmental (470) General Fund (100) Contingency (4711) Non-Recurring (0001) in the amount of \$459,183 and increasing the FY 2008-09 Non-Departmental (470) General Fund (100) Technology Projects (4715) Non-Recurring (0001) line item "OET Backup Power Supply" in the amount of \$459,183. Also, this action requires a decrease in the FY 2008-09 Revenue budget for Non-Departmental (470) General Fund (100) Contingency (4711) Non-Recurring (0001) in the amount of \$459,183. This action requested is an emergency request to maintain the County's network. This project was scheduled to be completed in two phases. In reconciling the amount spent versus budget for FY 2007-08, an additional \$459,183 should have been carried over into the FY 2008-09 budget, for a total of \$1,009,183. This action updates the FY 2008-09 one-time funding required to replace two independent, undersized emergency power sources that have outlived their useful life (over 15 years) as the data center backup power source. (C-41-08-008-0-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

Public Health

25. PURCHASE ORDER FOR ADDITIONAL FUNDING FOR WELL WOMAN HEALTHCHECK PROGRAM

Approve the Purchase Order for additional funding for the Intergovernmental Agreement (IGA) (HG761266) between Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health (MCDPH). Additional funding is being provided for the MCDPH Well Woman Healthcheck Program services to uninsured or underinsured women. Additional funding in the amount of \$20,248 is being provided for budget period July 1, 2008 through June 30, 2009. The Purchase Order in the amount of

\$610,388 includes the budgeted amount of \$590,140 for FY 2008-09. Also, approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$20,248 for FY 2008-09. The appropriations adjustment is necessary because these funds were not included in the FY 2008-09 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

The Department of Public Health's indirect rate for FY 2008-09 is 18%. The IGA allows for indirect costs at a rate of 10% of Personnel Services and Employee Related Expenses only. Full indirect costs are estimated at \$3,644, all of which is unrecoverable. The total sum of these funds are subrecipient costs and not subject to indirect costs reimbursement. Funding for this contract is provided by a federal grant administered by the Arizona Department of Health Services (ADHS), and does not increase the County general fund. Reimbursement to subcontractors is on a per enrollee basis at rate established by ADHS. (C-86-08-001-3-05)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

26. MOU WITH TERROS INC FOR HIV COUNSELING AND TESTING SITE

Approve a non-financial Memorandum of Understanding (MOU) between TERROS Inc. and Maricopa County by and through the Department of Public Health (MCDPH), HIV/HCV Infection Control and Surveillance, for the outstationing of MCDPH personnel to provide HIV counseling, anti-body testing, partner counseling and health care referral services in a room provided rent-free at TERROS, Inc. The MOU will be effective upon execution by both parties. The term for this MOU is from August 1, 2008 to December 31, 2009 and is renewable for an additional two years by mutual agreement. (C-86-09-023-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

27. MOU WITH EBONY HOUSE INC FOR HIV COUNSELING AND TESTING SITE

Approve a non-financial Memorandum of Understanding (MOU) between Ebony House, Inc., and Maricopa County by and through the Department of Public Health (MCDPH), HIV/HCV Infection Control and Surveillance, for the outstationing of MCDPH personnel to provide HIV counseling, anti-body testing, partner counseling and health care referral services in a room provided, rent-free, at Ebony House, Inc. This MOU will be effective upon execution by both parties. The term for this MOU is from August 1, 2008 to December 31, 2009, and is renewable for an additional two years by mutual agreement. (C-86-09-022-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION

Animal Care & Control

28. AGREEMENT FOR NEW HOPE PROGRAM WITH AZ ST BERNARD RESCUE

Approve an Agreement between Arizona St. Bernard Rescue, a 501 (c)(3) not for profit corporation, 5119 W. Dailey Street, Glendale, AZ 85306, and Maricopa County to allow Arizona St. Bernard Rescue under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 18 new hope rescues over the term of the agreement, for a total of \$720. The term of this agreement is from September 3, 2008 through June 30, 2011. (C-79-09-015-3-00)

Chairman Kunasek said he appreciated all that the breed-specific animal groups in the County are doing to help eliminate euthanasia of healthy, adoptable animals. He said this has been a great addition to the County's successful dictum of achieving a no-kill status for healthy dogs and cats that began several years ago, and which was labeled "impossible" by many. He thanked all animal care groups for their dedication.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

29. IGA WITH CITY OF TOLLESON FOR ANIMAL CONTROL FIELD SERVICES

Approve Intergovernmental Agreement (IGA) between Maricopa County through Maricopa County Animal Care & Control and the City of Tolleson, for Animal Control Field Services. This IGA is effective from October 1, 2008, through June 30, 2009. The City of Tolleson agrees to pay full cost recovery for field services for FY 2008-09 estimated to be \$16,800 for nine months of service based on historical levels of service for this jurisdiction. In accordance with A.R.S. 42-17106(B), approve the transfer of revenue and expenditure authority between Non-Departmental (470), Non-Departmental Grants Fund (249) and the Animal Care and Control Department (790) Animal Care and Control Field Operation Fund (574). This action will require a revenue and expenditure appropriation adjustment decreasing the FY 2008-09 Non-Departmental (470), Non-Departmental Grants Fund (249) Operating (0000) by \$16,800 and increasing the FY 2008-09 Animal Care and Control Department (790) Animal Care and Control Field Operation Fund (574) Operating (0000) by \$16,800. (C-79-09-016-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

30. KENNEL PERMIT

Approve kennel permit #415 pursuant to A.R.S. §11-1009 for Tiffany Koester, d.b.a. Koester Kennels, located at 2041 W. Georgia, Phoenix, AZ 85015 in District 3, for the term of September 3, 2008 through September 2, 2009. The cost of a kennel permit is \$328. (C-79-09-014-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox

Absent: Stapley, Wilson

31. DONATIONS

- a. Accept the monetary donation from The Town of Paradise Valley, Arizona in the amount of \$1,000 to subsidize the cost of spay and neuter for low-income families in the Northeast Valley who wish to spay or neuter their pets. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-012-D-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

- b. Accept the monetary donation from Joe Hogan of Scottsdale, AZ in the amount of \$484 for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-013-D-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

Human Services

32. APPLY AND ACCEPT FUNDS FOR SPECIAL TRANSPORTATION SERVICES

Approve the application and acceptance of grant funds from Local Transportation Assistance Fund II, in the not-to-exceed amount of \$449,463 for the purpose of providing funding which is matched with other Special Transportation funding to cover the cost of providing the Special Needs and Work Links transportation programs throughout Maricopa County. The grant award begins on July 1, 2008 and ends on June 30, 2009. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows a 15.2% rate for indirect costs, or \$59,304 which may be incurred by the Human Services Department or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Human Services Department's composite indirect cost rate at 15.2%, or \$59,034. The recoverable indirect cost of administering this grant is \$59,034; the non-recoverable indirect cost is n/a. This grant requires 100% dollar-for-dollar local match. Upon receipt of funds and pursuant to A.R.S. §42-17106(B), approve revenue and expenditure appropriation adjustments to the Human Services Department (220) Transportation (222) associated with the grant in the amount of \$449,463 for FY 2009. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-22-09-095-G-00)

Supervisor Wilcox said that these funds are needed by Valley communities and was glad the County is doing this. She said that work is being done to establish coordinated

transportation service in the Valley, which is one of the largest metropolitan areas not having coordinated service. She explained there are still some territorial issues that have to be worked through.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

33. IGA WITH CHANDLER UNIFIED SCHOOL DISTRICT FOR HEAD START FOOD SERVICES

Approve an Intergovernmental Agreement between Chandler Unified School District and Maricopa County through the Human Services Department, in the not-to-exceed amount of \$93,488. This Intergovernmental Agreement is funded by a grant from U.S. Department of Health and Human Services, (C-22-09-001-3-ZZ). The purpose of this Intergovernmental Agreement is to provide food catering to participants in Maricopa County Head Start Zero-Five Program. This Intergovernmental Agreement is effective from October 1, 2008 until September 30, 2009. (C-22-09-096-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

34. IGA WITH TEMPE ELEMENTARY SCHOOL DISTRICT #3 FOR FOOD SERVICES

Approve an Intergovernmental Agreement between Tempe Elementary School District # 3 and Maricopa County through the Human Services Department, in the not-to-exceed amount of \$169,236. This IGA is funded by a grant from the U.S. Department of Health and Human Services (C-22-09-01-3-ZZ). The purpose of this Intergovernmental Agreement is to provide the District and participants of the Head Start program with quality food-catering services. This Intergovernmental Agreement is effective from October 1, 2008 until September 30, 2009. (C-22-09-097-3-00)

Supervisor Brock said there is a grant of \$169, 200 connected with this and thanked the Human Services staff for obtaining it for the Head Start Program in Tempe.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

35. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Approve Amendment No. 1 to an Intergovernmental Agreement between Arizona Department of Economic Security and Maricopa County through the Human Services Department in the not-to-exceed amount of \$727,059. This amendment is funded by a grant from Arizona Department of Economic Security, C-22-09-007-3-ZZ. The purpose of this amendment is to decrease Dislocated Worker funds and increase Adult Funds. This amendment is effective from April 1, 2008 to June 30, 2009. All other terms and conditions of the Intergovernmental Agreement remain in full force and effect. (C-22-09-008-3-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

36. CONTRACT WITH ARIZONA COMMUNITY ACTION ASSOCIATION

Approve a Contract between Arizona Community Action Association and Maricopa County through the Human Services Department, in the not-to-exceed amount of \$327,605. The purpose of this contract is to provide utility repair/replacement and bill assistance. This contract was originally approved under C-22-09-018-3-ZZ on April 9, 2008. This contract is effective from July 1, 2008 until June 30, 2009. (C-22-09-098-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

CHIEF FINANCIAL OFFICER

Finance

37. FUNDS TRANSFERS; WARRANTS

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

38. ADMINISTRATIVE CORRECTION REGARDING THE APPROVAL OF AN INVESTMENT ADVISORY SERVICES CONTRACT WITH AMERICH MASSENA AND ASSOCIATES

Approve an Administrative Correction to the action taken on July 23, 2008 (C-18-09-007-3-00) regarding the approval of an investment advisory services contract with Americh Massena and Associates (Contractor), under the Maricopa County Deferred Compensation Plan, for a period of one year beginning on the 23rd day of July, 2008 and ending the 1st day of August 2009, with the option to renew the term annually up to four years. This administrative correction changes the contractor name from Americh Massena and Associates to Arnerich Massena & Associates, Inc. This action merely corrects a typographical error in the contractor name. (C-18-09-007-3-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

39. LEASE AGREEMENT WITH BRIDGING AZ FURNITURE BANK

Approve Lease Agreement No. MC10182 with Bridging AZ Furniture Bank (Bridging), an Arizona Not-For-Profit organization, to utilize approximately 10,000 square feet of warehouse space at the County owned facility located at 1920 S. Lewis, Mesa, AZ. Bridging will temporarily utilize the facility "as is" at a rental rate of \$1.00 per year and with no cost to the County. The term of the license will be for one-year with no options to renew. The proposed lease will be advertised in accordance with A.R.S. 11-256.01(B). (C-18-09-013-1-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

40. FILL THE GAP

Certify by authority of A.R.S. § 41-2421 (the so-called "Fill the Gap" legislation) (1) that total revenues received in Fiscal Year 2007-2008 by the Justice Courts and the Superior Court including the Clerk of Superior Court are greater than court revenues received in Fiscal Year 1997-98; and, (2) authorize the County Treasurer to immediately distribute the 2007-2008 revenue deposited with the Maricopa County Treasurer pursuant to A.R.S. § 41-2421 (amounting to five percent of total court revenues from fees) as follows: 21.61% to State Aid to County Attorney Fund \$939,448.83; 20.53% to State Aid to Indigent Defense fund \$892,498.12; 57.37% to Local Courts Assistance Fund \$2,494,038.83; 0.49% to State Treasurer for Department of Law \$21,301.71. (C-18-09-009-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

Materials Management

41. SOLICITATION SERIALS

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

a. RECOMMENDATION FOR RENEWAL: 05096-S, TRAFFIC BARRICADE SERVICES

Approve the renewal/extension of the following contracts: 05096-S, TRAFFIC BARRICADE SERVICES (\$1,800,000 estimate/three years) (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)

Price agreement renewal to provide traffic barricade services for use during highway maintenance/construction by MCDOT. Previous Contract: \$3,000,000 estimate/three years. Value of Renewal: \$1,800,000 estimate/three years. (C-73-09-022-3-00)

Highway Technologies Inc.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

b. RECOMMENDATION FOR INCREASE: 06044-RFP, NORTEL SUPPORT AND MAINTENANCE

Approve an increase in the price agreement for the following contracts: 06044-RFP, NORTEL SUPPORT AND MAINTENANCE

Increase contract value from \$3,000,000 to \$3,600,000. This \$600,000 increase is requested by OET Telecommunications to provide support, maintenance and additional hardware for the County main telecommunications switch. This contract was awarded by the Board of Supervisors on August 16, 2006, and has an expiration date of August 31, 2009. Previous Award: \$3,000,000 estimate/three years. Value of Increase: \$600,000. (C-73-09-021-3-00)

Black Box Network Services

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES

Emergency Management

42. AGREEMENT AND ACCEPT FUNDS FOR THE AMERICAN RED CROSS SHELTER FACILITY TRAINING

Approve the agreement and acceptance of grant funds from Arizona Department of Homeland Security, Grant No. 2006-GE-T-0007, in the not-to-exceed amount of \$10,784.00. These grant funds are for support the American Red Cross Shelter Facility Training. The grant award begins on July 1, 2006 and ends on October 31, 2008. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows for full indirect cost recovery. The Maricopa County Department of Finance has calculated the Department of Emergency Management's composite indirect cost rate at 13.80%, or \$1,307.73. The recoverable indirect cost of administering this grant is \$1,307.73. Approve an increase in revenue and expenditure appropriation to the Department of Emergency Management (150) Emergency Management Grant Fund (215) Non-recurring (0001) in the amount of \$10,784. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-15-09-007-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

43. AGREEMENT AND ACCEPT FUNDS FOR THE MARICOPA COUNTY MITIGATION PLAN

Approve the agreement and acceptance of grant funds from Arizona Division of Emergency Management, Grant No. PDMC-PL-09-AZ-2008-02, in the not-to-exceed amount of \$105,000. These grant funds are for a Maricopa County Multi-Hazard, Multi-Jurisdictional Mitigation Plan update. The grant award begins on June 30, 2008 and ends on June 29, 2011. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows a 13.80% rate for indirect costs, or \$12,732.86 which may be incurred by the Department of Emergency Management or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Department of Emergency Management's composite indirect cost rate at 13.80%, or \$12,732.86. The recoverable indirect cost of administering this grant is \$12,732.86. Approve a revenue and expenditure increase to the Department of Emergency Management (150) Emergency Management Grant Fund (215) Non-recurring (0001) in the amount of \$50,000.

The Department of Emergency Management will submit a request for the FY 2009-10 portion of \$55,000 during the FY 2009-10 budget process. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-15-09-006-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

ASSISTANT COUNTY MANAGER - PUBLIC WORKS

Public Works

44. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. The list is on file in the Clerk of the Board's Office. (C-06-09-087-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

45. IGA FOR IMPROVEMENTS AT THE INTERSECTION OF RITTENHOUSE ROAD AND CLOUD ROAD

Approve an Intergovernmental Agreement between Town of Queen Creek and Maricopa County through the Public Works, in the not-to-exceed amount of \$385,750. The purpose of this Intergovernmental Agreement is to make improvements at the intersection of Rittenhouse and Cloud Road. This Intergovernmental Agreement is effective from September 3, 2008 until June 30, 2009.

The purpose of this project is to widen the t-intersection of Rittenhouse Road and Cloud Road. The Town will act as lead agency for this project. The project is scheduled to begin construction this calendar year. The estimated cost for the Traffic Improvement Project (TIMP) Job Number T281 is \$771,500 and the County is responsible for 50% of the estimated total cost of the project not-to-exceed \$385,750. The County will remit payment to the Town after construction is completed and is expected to be invoiced within this fiscal year (FY2009). Upon issuance of a certificate of substantial completion for the project, the Town will proceed with the annexation of the entire roadway within the project limits. (Supervisory District No. 1) (C-91-09-022-5-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

46. BIDS AND AWARD FOR BELL ROAD: GRAND AVE TO LOOP 303

Approve the solicitation of bids for Bell Road: Grand Avenue to Loop 303, MCDOT Project Traffic Improvements (TIMP), Job Number T154; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10 percent.

The purpose of this project is to connect traffic signals by installing fiber optic cable; and installing dynamic message signs and closed circuit cameras along four miles of Bell Road from Grand Avenue to Loop 303. (Supervisory District 4) (C-91-09-017-5-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

47. IGA AMONG PIMA COUNTY, MARICOPA COUNTY, PINAL COUNTY, THE CITY OF PEORIA, AND THE CITY OF TUCSON COST-SHARING AGREEMENT FOR THE ARIZONA BENCHMARKING STUDY

Approve an Intergovernmental Agreement between Pima County, Pinal County, City of Peoria and City of Tucson and Maricopa County through the Public Works, in the not-to-exceed amount of \$20,000. The purpose of this Intergovernmental Agreement is to study, research, and collect data on project delivery costs and best management practices related to project delivery of capital improvement programs and consolidate results into a written report. This Intergovernmental Agreement is effective from date recorded with the Secretary of State until five years from date of recordation. This Project will be funded through MCDOT Project Partnership (PSUP), Job Number T302, Benchmarking Study.

The purpose of the study is to research and collect data on project delivery costs and best management practices related to project delivery of capital improvement programs and consolidate the results into a written report. During 2006-2007 Pima County, with Maricopa County, City of Tucson, and the City of Phoenix entered into a contract with the Consultant to perform the study. In 2008, Consultant services are required to continue the Arizona Benchmarking Study. Pima County will award, execute, and administer the agreement with the consultant. The consultant will charge Pima County for the costs of the study, estimated to be \$100,000. Maricopa County, Pinal County, the City of Tucson, and the City of Peoria shall pay \$20,000 each to Pima County upon invoice, or no later than December 31, 2008. Supervisory Districts 1,2,3,4, and 5 (C-91-08-002-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

48. IGA WITH THE CITY OF PHOENIX FOR THE DESIGN PHASE OF THE JOINT 2007-2008 PM-10 DUST PROOFING PROJECT

Approve an Intergovernmental Agreement between City of Phoenix (# 123821) and Maricopa County through the Public Works, in the not-to-exceed amount of \$100,000. The purpose of this Intergovernmental Agreement is for the design phase of the joint 2007-2008 PM-10 Dust Proofing Project. This Intergovernmental Agreement is effective from Board approval until the design is complete. This Project will be funded through MCDOT Project Dust Mitigation (DMIT), Job Number T301, IGA with the City of Phoenix for Design of PM-10.

The City and County are initiating a joint dust proofing project in various locations throughout the Phoenix and Maricopa County area which includes dust proofing approximately nine miles of unpaved roads and twelve miles of shoulders. Refinement of exact locations will be completed with City and County coordination and approval. The County's share of the design costs are currently estimated at \$65,000, but will not exceed \$100,000. The City will act as the lead agency for the Project including environmental clearances, utility clearances, right-of-way clearances, and ADOT and FHWA coordination. The City will secure and execute and award the design phase contract, plus utilize Federal Congestion Mitigation and

Air Quality (CMAQ) funding to prepare the design phase on behalf of the County.
(Supervisory Districts 1 - 5) (C-91-08-004-3-00)

Supervisor Brock expressed his pleasure on this agreement with Phoenix that will help retard dust, saying it will help everybody be aware and alert to the need to re-establish clean air in the Valley.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

CONSENT AGENDA

Clerk of the Board

49. DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. Duplicate Warrants are on file in the Clerk of the Board's Office. (C-06-09-083-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

50. MARKET RANGES

Approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. List of additional and/or replacement market ranges are on file in the Clerk of the Board's office. (C-06-09-084-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

51. MINUTES

Approve the minutes of the Board of Supervisors meetings held April 17, 2008 and June 4, 2008. (C-06-09-077-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

52. SECURED TAX ROLL CORRECTIONS

Approve requests from the Assessor for corrections of the Secured Tax Rolls Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. Resolutions are on file in the Clerk of the Board's Office. (C-06-09-082-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

53. TAX ABATEMENTS

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-06-09-088-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

BOARD OF SUPERVISORS ADDENDUM

Planning and Development

A-1. PLANNING CASES

Schedule Planning and Development public hearings on zoning cases and other matters for the September 17, 2008 meeting. (C-44-09-026-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

Sheriff

A-2. CENTRAL SERVICE COMPLEX VOICE SYSTEM CARRYOVER FUNDS

Pursuant to A.R.S. §42-17106(b), transfer expenditure appropriation of \$551,843 from Non-Departmental (470) Non-Recurring (0001) General Fund (100) Contingency to a new project in the Sheriff (500) General Fund (100) entitled, "Central Service Complex Voice System". In addition, transfer expenditure appropriation of \$174,457 from Non-Departmental (470) Non-Recurring (0001) Detention Fund (255) Contingency to a new project in the Sheriff (500) Detention Fund (255) entitled, "Central Service Complex Voice System". Also transfer expenditure appropriation of \$49,956 from Non-Departmental (470) Non-Recurring (0001) Detention Fund (255) Contingency to a new project in the Sheriff (500) Detention Fund (255) entitled, "JMS Migration". Also transfer expenditure appropriation of \$186,747 from the Non-Departmental (470) Non-Recurring (0001) Detention Fund (255) Other Programs, Sheriff JMS Migration line to the Sheriff (500) Detention Fund (255) "JMS Migration" project. Also transfer expenditure appropriation of \$31,915 from the Non-Departmental (470) Detention Fund (255) Non-Recurring (0001) Other Programs Sheriff Carryover Vehicles line to the Non-Departmental (470) Non-Recurring (0001) Detention Fund (255) Contingency line.

The Sheriff Central Service Complex Voice System and Jail Management System (JMS) Migration projects were not completed in FY 2007-08 and the carryover funding is needed to complete the projects in FY 2008-09. These projects will be completed during FY 2008-09 and any unspent funds associated with these projects will revert back to the General and Detention fund balances. The funding is critical to complete the last 3 phases of the 18 phase Voice System. The Voice System is a comprehensive system which includes voicemail, phones and the automated Interactive Voice Response (IVR). The IVR system allows citizens of Maricopa County to research locations and court appearances of inmates via an automated system. (C-50-09-013-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

MEETING RECESSED

Chairman Kunasek recessed the Board of Supervisors and convened as the Board of Directors of Various Districts.

MEETING RECONVENED

Chairman Kunasek reconvened the Board of Supervisors.

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

54. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

Kate Goodhart, citizen, addressed the Board regarding her previously heard code enforcement case, which upheld the Hearing Officer's Order. Ms. Goodhart protested the decision on grounds that she received wrong information from a West Valley Planning and Development office. Today her comments were on the impossibility of getting written instruction on what the department needs from the landowner. She maintained this would eliminate the confusion now being received by landowners who meet with different employees who give different instruction and lists of requirements on subsequent visits. She claimed citizens "would be happy to comply if they only knew what it would take." She said there are as many interpretations of the code as there are employees and any action taken on what is believed to be the final answer can lead to a violation charge at a later date. She acknowledged that written instructions would identify those who gave out wrong information and concluded this as a possible reason that written instructions were not a department practice. She called the Board's attention to a series of emails in her case as an example of multiple answers to her questions on what was needed. She added, "Three different answers to one question and the facts never changed." She asked if it is irrational to have the Planning Department put instructions in writing so other citizens do not have to repeat her experience.

Abraham James, City of Phoenix Library Advisory Board, said that Phoenix residents receive less than a 13% return on monies they are taxed for the Maricopa County Library District. However, Phoenix contributions totaled 30% of the District's total revenue in 2006-2007. He asked for an equitable solution.

55. Supervisors'/County Manager's summary of current events.

Supervisor Wilcox commented on the new Meth ads, saying she and her grandchildren were "blown away by them" and complimented the production crew responsible for them.

Supervisor Brock thanked all the candidates who ran in the primary election. He offered special thanks to the Maricopa County Recorder and Elections Director, Helen Purcell and Karen Osborne for their many long hours of service in the Elections Department. He also thanked the voters who turned out for their interest and participation.

David Smith said that in watching new episodes of 90210 he saw some of the new Meth ads and said that placement really hit the right age group.

Mr. Smith also related the death of a long-time County employee, Shelly Davis, a trial supervisor in the Public Defender's Office, was hit by a car as she was jogging this past weekend. He expressed his condolences to the family and also to the department in losing a 20-year dedicated individual.

*****The Board of Supervisors will now consider Code Enforcement Reviews.*****

Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred. New evidence is not considered at these hearings.

CODE ENFORCEMENT REVIEW

PZ-1. CODE ENFORCEMENT REVIEW

John D. & Philip Rottweiler Trust: This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2002-00900, John D. & Philip Rottweiler Trust (Supervisory District 1) (ADM3417-064) (C-06-09-048-M-00)

Darren Gerard said this violation was for operating a commercial trucking business in a residential zoning district. The violation was opened in September 2002 due to a citizen complaint. He reported on pertinent dates from that time until the Code Enforcement Hearing on September 11, 2007, and a series of photos of the site were shown. The respondent was found to be responsible and ordered to return the property to a vacant state within 90 days and assessed fines of \$500 plus \$50 per diem, to accrue until the property was verified by the department. If the property was verified to be compliant by December 21, 2007, the per diem fines would be suspended. The property was reviewed on December 24 and found to still contain several shipping containers (sea-cans) along the perimeters plus several shade structures. He added there was also several vehicles and debris left on the site. On May 28, 2008, the vehicles and shade structures had been removed but some debris and objects remained. On June 24, 2008, the Hearing Officer reviewed the case findings and found the respondent had not made a diligent effort to restore the property to a vacant state as ordered.

Mr. Gerard said this case has strung-out for nearly six years and has been continued at the respondent's request 17 times. The recommendation is to uphold the Hearing Officer's Order of Judgment, including the accruing fines, which total \$18,350 as of today's date. Mr. Gerard said if the Board should consider the site in compliance as of the June 24, 2007, date the fine would total \$13,500 and Planning would be forced to open a new case against the respondents citing remaining debris and items on the site.

Ms. Bonita Rotweiller, for the respondent, said they had wanted to use a Special Use Permit for the business but were told this was not a workable solution that they have to apply for an industrial-commercial zoning change, and they applied for this change. She said, "a lot of people changed places" over the years and there was confusion, adding that it took Maricopa County three-years to redline her design, which is three years of

the total six years the process took. Next she was told the Industrial commercial zoning wouldn't work but the SUP status had changed making them eligible and this made them start at the beginning with all the paperwork and paying new fees, which they completed as fast as possible. The County told them the SUP doesn't cover the trucks - they wanted to have an outdoor storage for residents who own RVs, trailers, etc., and have to rent space for them. She submitted professionally done plans on everything, including grading and water retention basin, etc., and she was told by Rachel Applegate, who had become part of the process at Planning, said that nothing could be submitted until the truck business violation was resolved and they had 90 days to do this. They met on September 11, 2007 and given the 90-day date of December 21, 2007, with extended time to remove the sea-cans, which was done by February 2008. The Code Enforcement Officer, Mr. McNeil viewed the property on December 27, when he was asked to notify them if any compliance problems remained - they never heard from him. On March 12, 2008, Mr. McNeil inspected the property and apparently found the property in compliance and halted the accruing fines, and issued a fine from September to March: \$9,300. She said the County had promised the fines would be suspended since the trucking business was vacated by December 21, the agreed to date, and asked the Board to do so. She said they had worked with the County and did everything they could to stay within the legal limit. She said the issue on December 21 was to have the trucking business vacated from the property and that had been done on that date and they were in compliance with the violation. In response to the debris, she said the public uses the site for illegal dumping - they are not on the site now and cannot monitor the property for illegal dumping.

Discussion ensued and Chairman Kunasek clarified with Mr. Gerard that as of the December 21, 2007, date the trucking business violation had ceased to occupy the site.

Supervisor Brock asked staff for a recommended moderation of the \$18,000 fine. Darren Gerard said everything, including the sea-cans had been removed as of May 28, 2008, and the fine at that time would be \$13,500, which would not include the items and vehicles on the property at this point.

Supervisor Brock pointed out that if the Special Use Permit is pursued the neighbors in this residential area would still be impacted by the business and he asked the respondents to meet with and resolve the problems that prompted the original complaint with their neighbors.

Motion to uphold Hearing Officer's Order with a reduction of the fine to \$13,500 by:
Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

The Board of Supervisors will now consider matters related to Planning and Zoning.

PLANNING AND ZONING AGENDA

REGULAR AGENDA

1. SPECIAL USE PERMIT: HOLIDAY HOUND HOUSE

Case Z2008006

Number:

Supervisory 1

District:

Applicant: Deborah Mullen
Location: North of Hunt Hwy. and west of Valencia Avenue (in the Chandler Heights area)
Request: Special Use Permit (SUP) for an animal boarding/grooming facility in the Rural-43 RUPD zoning district (approx. 1.2 ac.) – Holiday Hound House [Note: Super-majority vote of the BOS is required for approval.]
Commission Action: Motion to approve 5-2 (Aster and Brooks dissenting) subject to alternative stipulations "a" through "bb"

This item was continued from the August 20, 2008 Formal meeting. (C-44-09-020-7-00)

Lynn Favour said that because of opposition this item requires a super majority vote, which isn't possible unless all five Board Members are present. She asked that the item be continued to the September 17, 2008, Board meeting.

Motion to continue to the September 17, 2008, meeting by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

2. SPECIAL USE PERMIT: VERIZON WIRELESS COMMUNICATION FACILITY

Case Number: Z2008029
Supervisory District: 4
Applicant: Gordon Rasmussen, Verizon Wireless for MHale Family, LLP
Location: Approx. 2,282' south of Southern Avenue and west of the 119th Avenue alignment (in the Avondale area)
Request: Special Use Permit (SUP) for a wireless communication facility in the Rural-43 zoning district (approx. 1.54 ac.) - Verizon Wireless (PHO PIR perm)
Commission Action: Approved by unanimous vote of 6-0, subject to modified stipulations "a" through "t". (C-44-09-025-7-00)

Lynn Favour gave background information on this case and said that Avondale supports the item, which is for an 88 ft mono-pine tree for this wireless communication facility. Staff recommends approval with stipulations "a" through "t."

Supervisor Wilcox asked if a Cottonwood tree could be substituted for the Pine tree since Pine trees do not normally grow in that area.

Gordon Rasmussen, consultant to Verizon Wireless, said he didn't know if any company has designed Cottonwood trees for these facilities, but he had not seen one.

Supervisor Wilcox asked him to investigate if there was another kind of tree that would be more suitable for the desert area than a Pine.

Mr. Rasmussen said this design was chosen because it more easily allows for co-location, which the County prefers. He will look into the matter.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

3. FINAL PLAT: ARROYO NORTE UNIT 4

Case Number: S2006015
Supervisory District: 3
Applicant: Hoskin Ryan Engineering, on behalf of Pulte Homes
Location: East of I-17 and south of Circle Mountain Road (in the Anthem / New River area)
Request: Final Plat for a 100-lot, 4-tract, single-family residential subdivision in the R1-7 RUPD zoning district (approx. 39.0 ac.) – Arroyo Norte Unit 4
Commission Action: N/A

This item was continued from the August 20, 2008 Formal meeting. (C-44-09-023-7-00)

Lynn Favour referred to the revised staff report being distributed to Members and explained the background on this final plat. She said there is a full sign-off from all entities and the recommendation is for approval.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox
Absent: Stapley, Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board